

REMARKS

Claims 1-3, 7-11, and 15 are currently pending in this action while claims 4-6, 12-14, and 16-20 had been previously withdrawn. Claims 1-3 and 7 stand rejected under 35 USC § 102(b) as being anticipated by Misra, et al. (US Patent No. 5,960,270). Claims 8-9 stand rejected under 35 USC § 103(a) as being obvious over Misra in view of Barns (US Patent No. 6,743,683). Claim 10 is objected to and claims 11 and 15 are allowed. Applicants have amended claims 1-2 and canceled claim 10. In view of the amendments and arguments set forth below, Applicants respectfully submit that all pending claims are now in condition for allowance.

REJECTION OF CLAIMS 1-3 and 7 UNDER 35 USC § 102(b)

The Examiner has rejected claims 1-3 and 7 under 35 USC § 102(b) as being anticipated by Misra. The Applicants respectfully traverse the Examiner's rejections.

Claim 1 has been amended to incorporate the limitations of canceled claim 10. According to the Examiner, claim 10 was objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form. Furthermore, on page 6 of the Office Action the Examiner states that the subset of process steps for forming the first and second spacers from silicon nitride, which is recited in claim 10, is not taught or suggested in the prior art. This subject matter that was recited in canceled claim 10 has now been incorporated into amended claim 1. As such, based on the Examiner's statements, claim 1 as amended includes limitations that are not disclosed in the prior art.

With respect to simply rewriting claim 10 in independent form, although claim 2 is an intervening claim, the Applicants do not believe the limitations recited in claim 2 are necessary to make amended claim 1 patentable. The Applicants believe it is the subset of process steps in forming the first and second spacers disclosed in claim 10 that are important to patentability. As such, only

those limitations were included in claim 1. Furthermore, claim 1 has been amended to remove limitations that were added in a previously filed Response (filed March 20, 2006) because the Applicants do not believe these limitations are necessary for patentability.

Based on the foregoing, , the Applicants believe the 102(b) rejection of independent claim 1 can no longer stand, and allowance of this claim, as well as its dependent claims, is respectfully requested.

ALLOWED CLAIMS 11 and 15

The Examiner has indicated that claims 11 and 15 are allowable. The Applicants thank the Examiner for this indication of allowability.

CONCLUSION

Applicant submits that all claims now pending are in condition for allowance. Applicant reserves the right to argue the patentability of the dependent claims. Such action is earnestly solicited at the earliest possible date. If there is a deficiency in fees, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

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